

## REMARKS

The firm of Browdy and Neimark, PLLC, has been assigned responsibility to prosecute the present application, and a formal Revocation of the prior Power of Attorney and New Power of Attorney to the attorneys of Browdy and Neimark will be filed soon. In the meantime, undersigned is acting in a representative capacity under 37 CFR 1.34.

The new attorney docket for this application is "WEIHRAUCH=3". Please correct the PTO records to reflect this new attorney docket reference.

The Official Action mailed September 22, 2005, and the prior art cited and relied upon therein have been carefully reviewed. The claims in the application are now claims 75, 79-106 and 109-151, and these claims define novel and unobvious subject matter under sections 102 and 103. Applicant accordingly respectfully requests favorable reconsideration.

Acknowledgement by the PTO of the receipt of applicant's papers filed under Section 119 is noted.

Claim 75 has been amended above to incorporate the features of previous claim 77, whereby the minimum injection pressure is now recited as being 2000 bar. Main apparatus claim 106 has been similarly amended, and further the features of claim 107 have been incorporated into claim 106. A new independent

claim 151 has been added which roughly parallels claim 106, but in more direct and simple form. Applicant emphasizes that all the claims now require a minimum injection pressure of 2000 bar, a very high pressure which is not shown by the applied prior art and which is necessary to achieve certain objectives of the present invention.

Claims 75-147 have been **provisionally** rejected on the basis of alleged obviousness-type double patenting over claims 98-119 of co-pending application 10/508,182. This rejection is respectfully traversed.

The rejection is only a provisional rejection, and applicant need not respond at the present time because claims 98-119 of the co-pending application have not yet been patented. If and when those claims do become patented, applicant will consider the filing of a Terminal Disclaimer. It should be noted, however, that applicant's claims have already changed by the amendments presented above, and additional changes in either applicant's claims or the claims of the co-pending application may eventually occur, which could very well obviate any issue of obviousness-type double patenting.

The above Remarks are not to be taken as any admission that any double patenting actually exists between the claims of the present application and the claims of the co-pending application.

Claims 75-112, 118-127, 135 and 147-150 have been rejected as obvious from Kutik USP 3,357,058 (Kutik) "together with INJECTION MOLDING HANDBOOK, 3<sup>rd</sup> edition by Rosato et al" (Rosato). This rejection is respectfully traversed.

Claims 77 and 107 have been lumped in with the claims from which they depend, but have not been separately discussed in the rejection. The subject matter of these claims now appears in the main claims 75, 106 and 151, and such subject matter is neither disclosed by nor obvious from the applied prior art.

The closest the rejection comes to addressing this issue appears at about the middle of page 3 of the Office Action as follows:

The injection pressure being set to support crystal seed formation would have been obvious from the longitudinal orientation of the polymer in the elongated cavity. The injection pressure need to fill the elongated cavity would have been within the claimed range in Kutik in view of the teaching of Rosato (page 670-672) so as to properly fill the cavity.

This makes no sense to applicant. With respect, this builds one speculation on top of another. The simple fact is that neither of the citations discloses or makes obvious the use of an injection pressure of as much as 2000 bar.<sup>1</sup>

In order to obtain the objectives of the presently claimed embodiments of the present invention, including

---

<sup>1</sup> Snyder USP 2,651,810, used in another rejection discussed below, discloses an injection pressure of 300-1000 bar, but this is far below the minimum required according to the present invention.

appropriate orientation of the polymer molecules so that the resultant bristles have improved bending behavior, both adequate venting and high injection pressure are necessary (see pages 10 and 11 of the present specification). The presently claimed embodiments of the invention in which the injection pressure is a minimum of 2000 bar include embodiments mentioned at the top of page 5 of applicant's specification in conjunction with Fig. 9. Applicant's method as set forth in claim 75 produces a "distinct longitudinal orientation of polymer molecules", and to obtain the desired degree of such longitudinal orientation requires a minimum pressure of 2000 bar.

Based on applicant's Remarks above, applicant wishes to make three (3) points.

First, even if the proposed combination were obvious (respectfully denied), such a combination would not reach the claimed subject matter of providing an injection pressure of at least 2000 bar, because neither reference does, and so no disclosure of the two references teaches the skilled person to do so.

Second, the proposed combination would not have been obvious because there is no reason or purpose, teaching or suggestion, motive or incentive for bringing together the two references in any way, any such motivation or teaching only coming from applicant's own disclosure which of course was not

available to the person of ordinary skill in the art at the time the present invention was made.

Third, the prior art provides no reasonable expectation of successfully achieving the improved bristles obtained according to the present invention.

The requirements as set forth in MPEP 2143 of establishing a *prima facie* case of obviousness do not exist. Withdrawal of the rejection is in order and is respectfully requested.

Claims 76, 78, 106 and 108 have been rejected as obvious under Section 103 from the same combination of Kutik in view of Rosato as applied to the claims discussed above, further in view of Snyder USP 2,651,810 (Snyder). This rejection is respectfully traversed.

Claims 76 and 78 have been deleted, and the subject matter of claim 78 has been inserted into the main claim 75 as indicated above. Similarly, claim 108 has been deleted and its subject matter inserted into main claim 106, as also indicated above. Applicant will accordingly address this rejection as if it were applied to claims 75, 106 and 151.

The rejection states that Snyder discloses an injection pressure of 300-100 atmosphere or bar. It is believed that this is a typographical error, as Snyder discloses injection pressures of 300-1000 bar. However, this is way below the minimum required according to claims 75, 106 and 151. As

indicated above, the higher pressures for these particular embodiments as claimed is required in order to achieve the particularly desired results for these embodiments. As Snyder only discloses a maximum injection pressure of 1000 atmospheres, Snyder does not add anything to the proposed combination of Kutik in view of Rosato, or at least does not add anything sufficient to reach the claimed subject matter, even assuming the rejection were obvious (respectfully denied).

Moreover, Snyder does not provide anything which would cause the person of ordinary skill in the art to even begin to seek to combine Kutik and Rosato, i.e. to modify Kutik in view of Rosato, and indeed Snyder has not been cited for that purpose.

Accordingly, the points made above in reply to the preceding rejection apply equally here. Withdrawal of the rejection is in order and is respectfully requested.

Claims 75-150 have been rejected as obvious under Section 103 from Klinkhammer USP 5,531,582 (Klinkhammer) "taken together with" Rosato. This rejection is respectfully traversed.

Klinkhammer is as deficient as Kutik as pointed out above, and Rosato is as unrelated to Klinkhammer as it is to Kutik. Accordingly, the comments made above in reply to the rejection based on Kutik "together with" Rosato apply equally here, and are respectfully repeated by reference.

Accordingly, the basic requirements of MPEP 2143 are not met by this proposed combination which, applicant

respectfully submits, would not have been obvious, would not reach the claimed subject matter even if such combination were obvious, and which provided no reasonable expectation of successfully achieving applicant's improved bristles.

Withdrawal of the rejection is in order and is respectfully requested.

Claims 76, 78, 106 and 108 have been rejected as obvious under Section 103 from Klinkhammer together with Rosato and further in view of Snyder. This rejection is respectfully traversed.

The same typographical error is made in this rejection as mentioned above with respect to the disclosure of Snyder. The rejection is basically the same as the rejection of the same claims as obvious from Kutik together with Rosato and in view of Snyder, except that Klinkhammer has been substituted for Kutik.

Accordingly, applicant's comments made above are respectfully repeated by reference. Briefly, Snyder simply does not make up for any deficiencies of the primary combination, which primary combination applicant in any even submits would not have been obvious due to the absence of any motive or incentive, reason or purpose, teaching or suggestion for the proposed combination.

Withdrawal of the rejection is in order and is respectfully requested.

Appln. No. 10/500,970  
Amd. dated March 22, 2006  
Reply to Office Action of September 22, 2005

The prior art documents of record and not relied upon by the PTO have been noted, along with the implication that such documents are deemed by the PTO to be insufficiently material to warrant their application against any of applicant's claims.

Applicant believes that all issues raised in the Office Action have been addressed above in a manner favorable to allowance of the present application. Accordingly, applicant respectfully requests favorable reconsideration and early formal allowance.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By



Sheridan Neimark  
Registration No. 20,520

SN:kg  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
G:\BN\R\rau\Weihrauch3\PTO\PCTAMD 22MAR06.doc